

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

WILLIAM LUIS GEORGE;

Plaintiff,

v.

AUSTIN MEREDITH, et al;

Defendants.

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CIVIL ACTION NO. 5:17-CV-00024

ORDER

The Plaintiff William George, a former prisoner of the Bowie County Correctional Facility proceeding *pro se*, filed this civil action complaining of alleged violations of his constitutional rights. *See* Docket No. 1. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

A collection order for the filing fee in this case was sent to George at the jail but was returned as undeliverable because George was no longer there. Docket Nos. 12, 13, 14. The Clerk of the Court contacted the jail and was informed George had been paroled and no forwarding address was available. To date, Plaintiff has not apprised the Court of his current mailing address or present whereabouts. The lawsuit form filed and signed by George contains a declaration stating “I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.” Docket No. 1 at 4.

The Magistrate Judge issued a Report recommending dismissal of the lawsuit without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 16. A copy of


this Report was sent to George's last known address, return receipt requested, but no objections have been received; accordingly, he is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants,’ ”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)); *see also United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”) It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 16) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court.

SIGNED this 16th day of April, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE